

FILED
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW MEXICO

NOV - 5 2020

UNITED STATES OF AMERICA,)	MITCHELL R. ELHENS
)	CLERK
Plaintiff,)	CRIMINAL NO. <u>19-CR-3113-JB</u>
vs.)	
ROBERT PADILLA, a.k.a. "Fat Head,")	
ROSE ANN ROMERO,)	
JOHNATHAN VIGIL, a.k.a. "Lil John,")	
ROBERT HOCKMAN, a.k.a. "Tony,")	
MARCOS RUIZ, a.k.a. "Mark,")	
LUIS SANCHEZ, a.k.a. "Payaso,")	
ASHLEY ROMERO,)	
TOMAS SANCHEZ, a.k.a. "T.J.,")	
AMANDA SILVA,)	
SERGIO VALDEZ,)	
GENEVIVE ATENCIO, and)	
JANAYA ATENCIO,)	
Defendants.)	

PROPOSED SCHEDULING ORDER

The parties' request that the Court impose the following deadlines:

10/30/2020	Completion of Rule 16 discovery by government (except for the government's continuing duty to disclose).
11/06/2020	Reciprocal Rule 16 discovery by defendants (except for the defendants' continuing duty to disclose); Fed. R. Crim. P. 16 discovery motions (except for discovery motions related to any Title III interception).
11/20/2020	Responses to Fed. R. Crim. P. 16 discovery motions.
12/4/2020	Replies to responses to Fed. R. Crim. P. 16 discovery motions. Title III Discovery Motions.
12/10-11/2020 8:30a	Hearing on Discovery Motions, if needed.
12/18/2020	Notices of defenses pursuant to Fed. R. Crim. P. 12.1-12.3. Responses to Title III Discovery Motions.

12/30/2020	Fed. R. Crim. P. 12 pretrial motions; Rule 14 motions to sever; Responses to notices of defenses; Motion for <i>James</i> and Co-conspirator statement disclosure. ¹ Replies to Title III Discovery Motions.
1/14/2021	Responses to Fed. R. Crim. P. 12 pretrial; Responses to Rule 14 motions to sever; Responses to <i>James</i> and co-conspirator statement disclosures, subject to the 10-day joinder agreement.
1/28/2021	Replies to responses to Rule 12 pretrial motions, to Rule 14 motions to sever, and to <i>James</i> and co-conspirator statement disclosures.
2/4-5/2021	Hearing on Pretrial Motions and Title II Discovery Motions, if needed
2/12/2021	Government's expert witness notices and reports.
3/12/2021	Defense expert witness notices and reports, subject to the 10-day joinder agreement.
4/2/2021	Objections to expert witness notices and <i>Daubert</i> Motions, subject to the 10-day joinder agreement.
4/16/2021	Replies to expert witness objections and Responses to <i>Daubert</i> Motions
4/30/2021	Replies to <i>Daubert</i> motions.
5/6-7/2021	Hearing on <i>Daubert</i> motions, if needed.
5/28/2021	Motions in <i>Limine</i> , Fed. R. Evid 404(b), subject to the 10-day joinder agreement.
6/11/2021	Responses to motions <i>in limine</i> & 404(b).
6/25/2021	Replies to motions <i>in limine</i> & 404(b).
7/2/2021	Hearing on motions <i>in limine</i> & 404(b), if any.
7/30/2021	Disclosure of exhibit and witness lists; Jencks Act disclosures.
8/2/2021	Exhibit and witness binders delivered to the Court.
8/10/2021	Objections to exhibit and witness lists.
9/10/2021	Jury Instructions; proposed <i>voir dire</i> ; and stipulations.

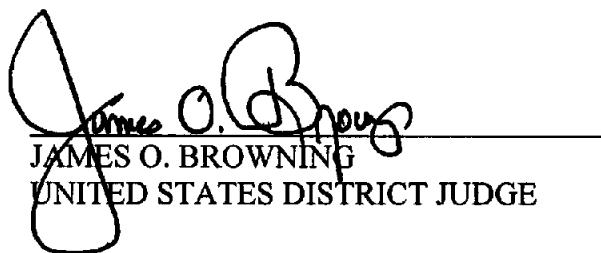
(Handwritten signature) 11/3/20

¹ The parties agree that all defendants should have 10 days from the date of filing of a motion by any defendant to decide whether to join in that motion. If a defendant decides to join in another defendant's motion, the joining defendant should file a notice of joinder within 10 days of the filing of the motion to be joined, including in the notice of joinder any factual or legal argument that is specific to the joining defendant and specifying the relief sought by the joining defendant. The government should be allowed to file one omnibus response to motions that have been joined by other defendants. The government's time for responding should begin to run on the tenth day after the original motion is filed.

9/24/2021	Objections to jury instructions and proposed <i>voir dire</i> .
10/5/2021 8:30a	Pre-Trial Conference
10/18/2021	Jury Selection/Trial at 9:00 a.m., Federal Courthouse, Albuquerque, New Mexico.

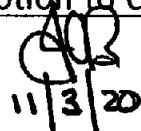
The court further orders that the United States shall continually make available discovery on an ongoing basis and make available to the defendants by the time required by the applicable law all material for which disclosure is mandated by *Giglio v. United States*, 405 U.S. 10 (1972) and the Jencks Act, 18 U.S.C. § 3500, unless disclosure is otherwise required herein.

The court further orders, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii), that the time between the entry of this Order and the trial date is excluded for the purposes of the Speedy Trial Act computation.



JAMES O. BROWNING
UNITED STATES DISTRICT JUDGE

After weighing the best interests of the public and of the Defendants with the ends of justice, the Court finds that granting a continuance will strike a proper balance between the ends of justice and the best interests of the public and of the Defendants for the reasons stated in the motion requesting a continuance, filed October 30, 2020 (Doc. 284). Specifically, the Defendants' need to review discovery, conduct investigations, discuss the filing of any pre-trial motions, and to discuss possible plea negotiations with counsel, outweighs the Defendant's and the public's interest in a speedy trial. See 18 U.S.C. Section 3161(h)(7). The Court will set the trial for October 18, 2021. The pretrial motion deadline is December 30, 2020. This 180 day continuance is sufficient, without being greater than necessary, for the Defendant to complete the tasks set forth in the motion to continue.



11/3/20